

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

– *against* –

CURTIS HINES,
Defendant.

ORDER

18-cr-00779 (ER)

RAMOS, D.J.:

On November 30, 2021, Curtis Hines was sentenced to 180 months’ imprisonment after pleading guilty to Hobbs Act robbery. His guideline range at the time of sentencing was 240 months. On February 2, 2024, Hines moved for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821 to the Sentencing Guidelines. Doc. 144.

Section 3582(c)(2) allows a court, after considering the § 3553(a) factors, to reduce the sentence of “a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has been subsequently lowered by the Sentencing Commission . . . , if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” The relevant policy statement, however, provides that a sentence reduction is not authorized if an amendment “does not have the effect of lowering the defendant’s applicable guideline range.” U.S.S.G. § 1B1.10(a)(2)(B). Amendment 821 went into effect on November 1, 2023, and applies retroactively. As relevant here, the amendment modifies the calculation of criminal history points (or “status points”) for defendants who committed their offense while under a criminal justice sentence.

The Court finds that Hines is not eligible for a sentence reduction. As the supplemental presentence report filed by the Probation Office indicates, Hines is eligible for the status point

recalculation because he received an enhancement for committing this offense while under a sentence of probation. Doc. 145 at 2. Hines's amended guideline range, however, remains 240 months, and his original sentence was below that range. *Id.* at 3. In other words, Amendment 821 "does not have the effect of lowering [Hines's] applicable guideline range," so he is not eligible for a sentence reduction. U.S.S.G. § 1B1.10(a)(2)(B).

Accordingly, Hines's motion for a sentence reduction is DENIED. The Clerk of Court is respectfully directed to mail a copy of this order to Hines and to terminate the motion, Doc. 144.

SO ORDERED.

Dated: August 20, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.